



MILLENNIUM TELECOM

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FCC Mail Room

To:

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Cc... To:

Universal Service Administrative Company - Letter of Appeal
Billing, Collections, and Disbursements
2000 L Street, NW, Suite 200
Washington, DC 20036

From:

Millennium Telecom LLC
C/O Dan Mack - President
7904 River Fork Drive
Nashville, TN 37221
Form 499 Filer ID: 823196
FRN #: 0009022161

Reference CC Docket No. 96-45

November 12, 2009

Subject: Letter of Appeal to FCC

- Request for "Immediate Waiver of Red Light Status" or "Immediate Red Light Override".
- Request for waiver to downward revise Feb 499Q filing after normal 45 day amendment window.
- Relief of any interest, late fees or penalties on debt incurred on Invoice statement dated 4/22/2009.
- Relief of any interest, late fees or penalties on debt incurred on Invoice statement dated 5/22/2009.
- Relief of any interest, late fees or penalties on debt incurred on Invoice statement dated 6/22/2009.
- Relief of any interest, late fees or penalties on debt incurred in June, July August, September 2009.
- Relief of any interest, late fees or penalties on debt incurred in subsequent months until a final decision is rendered by the FCC.
- Relief of any interest or penalties on debt incurred on Invoice statements dated after 6/22/2009 that result from an overstatement of interstate revenues on Millennium 2008 February 499Q.

Dear Sirs,

Millennium Telecom requests your consideration for all of the items requested in the subject lines of this document. (Please see items listed on page one). What follows is a chronological summary of events and a detailed explanation of extenuating circumstances that resulted in partial payment and resulting late payment of amounts invoiced to Millennium Telecom. We are presenting evidence to support our case that Millennium Telecom's revenues on the Feb 2008 499Q were drastically overstated as submitted and also that Millennium was unaware of the overstated amount, and that Millennium was unaware of our subsequent USAC invoices that were intended to be received by Millennium Telecom. The invoices were instead mailed to another address other than Millennium Telecom and that Millennium Telecom was unaware of these invoices until July 9, 2009.

After speaking with Mr. Fred Gheobold at USAC in mid July 2009, and per Fred's instructions, Millennium Telecom submitted our first letter of appeal directly to USAC dated July 20, 2009 when we requested immediate suspension of Red Light Status and request for Relief of any interest or penalties on debt incurred on the invoice statements listed above. My personal thanks go to Mr. Gheobold for his time and courtesy explaining to me the steps required to prepare this appeal and for the information that enhanced my understanding of the appeal process. After recently receiving the USAC Administrators Decision on Contributor Appeal (dated November 6, 2009) Millennium Telecom is now submitting this appeal directly to the FCC (and copying USAC) in an attempt to receive a more favorable decision by the FCC based on the explanation of the extenuating circumstances that follow. We thank you in advance for the opportunity to do so and for your consideration of our appeal.

In December 2008 Millennium Telecom over reported our November 2008 499Q interstate revenue to the company we have employed to prepare our regulatory filings before we endorse them and submit to USAC. (Regulatory and Tax Consultants, LLC (aka... RTC) – Suwannee, Georgia - Telephone: 678.436.5590 ext 301- Fax: 678.802.3483). Millennium Telecom's error in reporting this amount was a result of a typo error which incorrectly indicated to RTC that we had received \$ 253,877.00 in interstate revenue when in fact we had received only \$ 31,529.00 in interstate revenue for that month. Unfortunately RTC did not initially recognize the large discrepancy in the monthly revenues based on our revenue reporting to date or after.

Before Feb 1, 2009 RTC completed our 499Q submission reflecting 4th quarter 2008 Millennium revenues for Millennium - Millennium then signed the 499Q and forwarded it to USAC without noticing the resulting overstatement in total revenues that was reported due to the typo error that had been overlooked by our consultants.

On March 31, 2009 USAC sent the courtesy letter to RTC (seen below) in an effort to clarify the revenue amount submitted as the November 2008 revenue amount reported had increased dramatically from the previous November 499Q filing. RTC ignored this request for confirmation from USAC – additionally RTC did not bring this request for revenue clarification from USAC to the attention of Millennium Telecom at any time.

As a consequence of RTC's oversight and inaction the 45 day window of opportunity for Millennium Telecom to downwardly adjust the revenue amount in our November 2008 499Q was lost.

Millennium learned of the existence of this e-mail and received a copy of the March 31, 2009 e-mail intended for Millennium Telecom only after Mr. Fred Gheobold at USAC informed me of it in mid-July 2009.

Below is a copy of the e-mail from USAC that was sent to RTC that did not reach Millennium Telecom.

From: Form499
Sent: Tuesday, March 31, 2009 2:52 PM
To: 'tshumake@rtcllc.net'
Subject: ACCEPTED February 2009 FCC Form 499Q - 823196

Dear Tisa,

This is a friendly notice from USAC to let you know that the February 2009 499Q for Filer 823196-Millennium Telecom, LLC has been accepted and processed in the 499 system and that this filing will increase their contribution base by ~209% as compared to their November 2008 499Q. If you have any questions or concerns please feel free to respond to this email or contact USAC customer service at 888-641-8722 option 2, option 1. Thank you.

Sincerely,

USAC

Millennium has learned that the reason that our invoices were mailed to Millennium is that the 2008 499A prepared by RTC that was electronically submitted to USAC incorrectly listed Millennium's billing address as:

Millennium Telecom LLC
Attn: Tisa Shumake
450 Old Peachtree Road NW
Suwannee, GA 30024 – 7289
E-mail: 'tshumake@rtcllc.net'

The correct address for Millennium Telecom should have been:

Millennium Telecom LLC
Attn: Dan Mack
Box 210978
Nashville, TN 37221
E-mail: Dan@mtld.com

Apparently this notification from USAC was sent to RTC rather than Millennium Telecom because the contact information in USAC's billing system defaults to a previous 499A that had been electronically submitted previously by RTC on Millennium's behalf. Once this previous electronic submission had been received by USAC, and unknown to Millennium Telecom, the contact information and mailing address for future correspondence to Millennium Telecom was changed to that of RTC.

Mr. Gheobold informed me that in this situation the address electronically submitted on the most recent 499A also overrides any change in address in subsequent 499Q filings that are certified electronically.

Millennium was therefore dependent on RTC to either respond to the USAC e-mail asking for revenue clarification or to forward the USAC e-mail to Millennium Telecom for our review – neither of these outcomes occurred.

Additionally, Millennium Telecoms invoices from USAC dated 4/22/2009, 5/22/2009 and 6/22/2009 were mailed directly to RTC rather than to Millennium Telecom. Again RTC neglected to forward these invoices to Millennium Telecom as would have been appropriate. Millennium Telecom did not learn of these invoices until July 9, 2009 when Mr. Ken Perkins of RTC contacted Millennium Telecom directly to inform us of the total amount due. Millennium was not provided with an explanation from RTC as to why we had not received the three invoices until July 9, 2009 other than it was an unfortunate oversight by RTC.

In July 2009, when Millennium Telecom submitted our appeal to USAC we also mailed, via UPS Second Day Air, a check to USAC in the amount of \$ 10,000.00 which we believed at that time would cover the amount we estimated was actually owed to USAC had the correct revenues amounts been reported on the original Feb 2008 499Q in question. (UPS Shipment ID: MMOZNMZPXKXCR – it arrived on July 20, 2009 at 11:31 am EST and signed by "Harbin" – the receptionist at USAC)

Millennium Telecom has in the past, and in the future, will always make every effort to maintain complete compliance with all USAC and FCC requirements. It is for this reason that we employ the services of experts like RTC (Regulatory and Tax Consultants, LLC). As I explained to Fred Gheobold the confluence of all the extenuating circumstances I have presented make up what I termed " an unfortunate perfect storm of events" that have resulted in the incorrect invoicing and late payment of estimated actual amount due to USAC.

As an approved E-Rate Vendor in the USAC Schools and Library E-Rate Program we re-emphasize our request that Millennium Telecom receive an immediate waiver of "Red Light Status" or "Immediate Red Light Override" until our FCC appeal can be reviewed, considered and a final decision rendered.

Thanks in advance for your consideration.

Please don't hesitate to call me with any questions you may have @ 877-797-5562

Sincerely,



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Nashville, TN 37221
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